

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRUCE JAMES, Individually and On Behalf
of All Others Similarly Situated,

Plaintiff,

v.

SWISHER HYGIENE, INC., STEVEN R.
BERRARD, and MICHAEL KIPP,

Defendants.

Case No. 1:12-cv-02406-DLC

CLARENCE ARSENAULT, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

SWISHER HYGIENE, INC., STEVEN R.
BERRARD, and MICHAEL KIPP,

Defendants.

Case No. 1:12-cv-04028-UA

**NOTICE OF WITHDRAWAL OF LEAD
PLAINTIFF MOTION BY AVRON FOGELMAN**

PLEASE TAKE NOTICE that lead plaintiff movant Avron Fogelman (“Fogelman”), having reviewed the competing lead plaintiff motions, hereby withdraws his lead plaintiff motion, as Fogelman does not appear to have the largest financial interest. With the largest losses, the Caird Group is the presumptive lead plaintiff under the Private Securities Litigation Reform Act of 1995, and Fogelman supports the Caird Group for appointment as lead plaintiff. 15 U.S.C. § 78u-4(a)(3)(B)(iii). This notice shall have no effect on, and is without prejudice to Fogelman’s status as a member of the

proposed class, including, but not limited to the right to share in any recovery from the resolution of this litigation through settlement, judgment, or otherwise.

Dated: June 12, 2012

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